

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7262 OF 2002

Ms.Gauri Godse for the Petitioner.
Ms.K.Belari for the Respondents.

Office Notes, Office
Memoranda of Coram,
appearances, Court's
order or directions

Court's or Judge's
orders

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CORAM: D.K.DESHMUKH, J.

DATED: 21st September, 2005

P.C.:

By this Petition the Petitioner challenges the order passed by the trial court rejecting the application filed by the Petitioner for temporary injunction. The Appellate Court has confirmed that order. It appears that the suit of the Plaintiff/Petitioner is for partition and separate possession. The Plaintiff is claiming share in the property left behind by one Smt.Kitterbai. The said Kitterbai expired in the year 1968. The suit has been filed in the year 1996. Apart from the reason that has been

given by the courts below for rejecting the application for temporary injunction, it prima facie appears that the suit filed by the Plaintiff is barred by the law of limitation. Therefore, in my opinion, no fault can be found with courts below declining to grant temporary injunction in favour of the Plaintiff. Petition is, therefore, rejected.

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